

## REMARKS

This Response is submitted in reply to the Non-final Office Action dated December 30, 2008. Claims 20 and 23 to 38 are currently pending in this application. Claims 36 to 38 were previously withdrawn. Claim 20 is in independent form. No claims are being amended by this response. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

The Office Action rejected Claims 20, 23 to 27, 31, 32 and 35 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,606,722 to Haimi-Cohen ("Haimi-Cohen") in view of U.S. Patent No. 4,189,779 to Brantingham ("Brantingham"). Applicant respectfully disagrees with, and traverses, such rejections.

Independent Claim 20 includes, among other elements, "disabling an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data" (emphasis added). As noted by the Examiner, Haimi-Cohen fails to teach this claim element.

In addition, Brantingham fails to teach this claim element. The Office action indicates Brantingham teaches this claim element at col. 2, lines 17-20. Applicants respectfully disagree. The cited portion of Brantingham states:

The interpolator also preferably includes means for disabling the interpolation in response [sic] to charges from voiced to unvoiced speech and visa versa, for instance. (emphasis added)

Voiced and unvoiced speech is not the same or equivalent to voice data and text data. Speech is made up of phonemes, which are produced by the vocal cords and the vocal tract. Voiced speech is produced when the vocal cords vibrate during the pronunciation of a phoneme. Unvoiced speech, by contrast, does not use the vocal cords. Voiced speech is typically louder than unvoiced speech. Unvoiced speech is typically more abrupt than voice speech. However, both voice speech and unvoiced speech are speech. Neither voice speech or unvoiced speech is "text data" as currently claimed.

Applicant submits that Haimi-Cohen and Brantingham, alone and in combination, do not disclose a method for decoding data received via a communications network, the method including “disabling an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data” as currently claimed. For at least these reasons, it is respectfully submitted that independent Claim 20 is patentably distinguished over Haimi-Cohen and in condition for allowance.

All other pending claim depend either directly or indirectly from independent Claim 20 and are also allowable for the reasons given with respect to Claim 20 and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L GATES LLP

BY 

James F. Goedken  
Reg. No. 44,715  
Customer No. 29177

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